

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

EJ LEJEUNE, INDIVIDUALLY AND ON BEHALF OF ALL OTHERS SIMILARY SITUATED; HENRY TORRES VILLEGAS, JOSE A. REYES DIAZ, JULIO LOPEZ RIOS, ISRAEL DIAZ, LUIS M. RODRIGUEZ, WILFREDO SANCHEZ, KELVIN CULP, KERRY POOL, DARIN REID, FORREST SMITH, DARREN GULIN, CRAIG WRIGHT, JOSHUA GRIMES, BOBBY PATTON, STEVE EBEL, BRIAN KOPP, RICHARD GIBSON, MIKE SIELICKI, BENNETT ELLIOTT, OSCAR CASTANOJR., DOMINGO DE LA GARZA, DYLAN SUTTON, CHARLES FOSS, KEVIN AHEARN, COURTNEY BEASLEY, ROCKY COCHRAN, ENSLEY WINDHAM, TYLER NEGRI, RICARDO BENAVIDESJR., ZACHARY AKEY, DANIEL PERALES, ALEXANDRE PENNANT, CHARLES ENMANJR., RUBEN TREJO, MICHAEL TUCKER, MANOLO MAURIZ, MAX HIDALGO, ESEQUIEL NAVEJAS, MARIO BELLAMY, NEYSHA DIAZ, JON-MIKEL MOODY, GIOVANNI PEREZ, JON-MIKEL MOODY, STEVEN T. SALMON, PORTALATIN M. TORRES, JOHN NEGRI.

SA-19-CV-00286-JKP

Plaintiffs,

VS.

COBRA ACQUISITIONS, LLC,
ESPADA LOGISTICS AND SECURITY
GROUP, LLC, ESPADA CARIBBEAN,
LLC, JAMES JORRIE, JENNIFER GAY
JORRIE.

Defendants.

ORDER

Before the Court in the above-styled cause of action is Plaintiff's Renewed Motion for Conditional Certification and for Notice to Putative Class Members [#96]. The undersigned has

authority to enter this Order pursuant to 28 U.S.C. § 636(b)(1)(A). For the reasons that follow, the Court will grant the motion in part as unopposed.

By his motion, representative Plaintiff Eli LeJeune asks the Court to conditionally certify the following class in this action arising under the Fair Labor Standards Act, 29 U.S.C. § 216: “All individuals who worked for, or on behalf of, Cobra and Espada from January 21, 2017 through the present who were paid a day-rate regardless of classification.” LeJeune also asks the Court to disseminate notice to the class by first class U.S. mail, e-mail, and text message and provides the Court with a proposed schedule for notice.

Defendants’ response to the motion informs the Court that the parties have stipulated to conditional certification and notice of this lawsuit being sent to individuals captured by a revised definition that nonetheless captures all of LeJeune’s intended recipients. The parties have also stipulated to a 60-day period which notice recipients may opt into this lawsuit as a party plaintiff and which includes sending a reminder notice at 45 days. However, certain disputes remain as to the methods by which individuals will be notified of this lawsuit and the content of the related papers submitted by LeJeune in conjunction with his motion.

The Court will therefore grant the motion for conditional certification in part as unopposed and conditionally certify a class consistent with the parties’ stipulations, comprised of “all individuals engaged by ESPADA to provide services to Cobra in Puerto Rico between January 21, 2017 and the present who were paid ad ay rate.” The Court will order the parties to confer on the disputed issues related to notice and file a joint notice or, if no agreement can be reached, joint competing notices for the Court’s consideration.

IT IS THEREFORE ORDERED that Plaintiff's Renewed Motion for Conditional Certification and for Notice to Putative Class Members [#96] is **GRANTED IN PART** as follows:

- The Court hereby certifies a collective action under the Fair Labor Standards Act, 29 U.S.C. § 216, comprised of "all individual engaged by ESPADA to provide services to Cobra in Puerto Rico between January 21, 2017 and the present who were paid a day-rate."
- Notice recipients shall have 60 days following the date on which notice is sent to file a proper and complete consent form with this Court.
- Plaintiff may send reminder notice by mail and email, with language agreed upon by the parties, 45 days after notice is sent.

IT IS FURTHER ORDERED that the parties confer on the remaining disputed issues related to notice and file a joint notice or, if no agreement is reached, joint competing notices for the Court's consideration on or before **August 7, 2020**.

IT IS FINALLY ORDERED that in all other respects the Motion [#96] is **DENIED**.

SIGNED this 31st day of July, 2020.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE